

Appl. No. : **10/797,510**
Filed : **March 10, 2004**

REMARKS

Information Disclosure Statement

The Examiner has stated that the information disclosure statement filed on July 28, 2004 fails to comply with the provisions of 37 CFR 1.97 and 1.98 and MPEP § 609. The Examiner has further advised that the foreign patents listed in the information disclosure statement filed October 7, 2004 have not been considered because copies thereof were not submitted with the information disclosure statement. Applicant submits herewith an information disclosure statement correctly listing the patent references in the noncompliant statement of July 28, 2004, along with the foreign patents listed in the statement of October 7, 2004. The requisite reference copies are attached thereto.

Double Patenting

The Examiner has provisionally rejected Claims 1, 4, 5, 15, 17, 18, 29-32, and 34-39 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 10, 11, 15 and 16 of copending Application No. 10/922,763 (attorney docket number KKJINC.007A). The Examiner has also provisionally rejected Claims 2, 3, and 33 on the same ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 11 of copending Application No. 10/922,763 in view of Ameer, et al., U.S. Patent No. 6,099,730.

Applicant notes that Application No. 10/922,763 has a later filing date than the present application, and that the Examiner in that case has not yet indicated that any subject matter is allowable. Nevertheless, to expedite the prosecution of this case, Applicant submits the attached terminal disclaimer, disclaiming thereby the term of any patent issuing from the present application that would extend beyond the term of any patent issuing from Application No. 10/922,763. This should overcome the provisional double patenting rejections.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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